



GEORGE E. PATAKI
GOVERNOR

ERIN M. CROTTY
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK, 12233-1010

JUL 15 2003

Honorable Jane M. Kenny
Regional Administrator
United States Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, New York 10007-1866

Dear Regional Administrator Kenny:

In response to your December 19, 2002 and March 19, 2003 letters to Governor George E. Pataki requesting New York State to submit recommendations regarding areas of the State that attain and do not attain the 8-hour ozone National Ambient Air Quality Standards (NAAQS) by July 15, 2003, I am submitting New York State's recommendations.

Governor Pataki was one of the first and strongest supporters of the 8-hour ozone NAAQS as a means to provide increased public health and environmental protection. Under Governor Pataki's leadership New York has realized significant improvements in air quality: the 1-hour ozone attainment demonstration and State Implementation Plan (SIP) for the New York Metropolitan Area have been approved by your agency; our leadership in the Ozone Transport Commission has ensured efforts to control emissions regionally are continued; and, the State's efforts to implement control requirements are unparalleled. The result of these efforts has been reduced ozone concentrations that are so critical to protecting public health and the environment.

I commend the Environmental Protection Agency (EPA) for moving forward with appropriate actions for implementing the 8-hour ozone NAAQS. However, given the significance of these determinations, New York is concerned that EPA has not finalized the implementation guidance. In its proposed implementation guidance, EPA recognizes the complexities associated with these designations and subsequent implementation efforts. The agency acknowledges several options exist, but has not finalized its recommendations putting states in a difficult position. While the air quality levels are certain, other aspects of the designations (e.g., transport, boundaries) are not clear. New York will find it difficult to move forward with EPA on this process until the guidance is final and states and the public have had sufficient time to review and comment on that guidance.

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The State's recommendations are made in accordance with EPA's March 28, 2000 document entitled, "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standard" (Guidance). As cited in the Guidance, the Department carefully reviewed all eleven factors needed to be considered in determining whether to recommend area boundaries that are larger or smaller than a Consolidated Metropolitan Statistical Area (CMSA). For the most part, the boundaries cited in Attachment #1 follow the boundaries of those CMSAs which contain a monitor(s) with a design value equal to or greater than 0.085 parts per million. Those boundary recommendations that deviate from the Guidance are discussed below.

Jefferson County

Based on the applicable data, the Department recommends that Jefferson County be designated as a marginal non-attainment area. Jefferson County is a rural area and is heavily influenced by emissions generated in the Midwestern United States and the southern portion of Ontario, Canada. Attachment #2 shows back trajectories demonstrating this fact. New York will work with EPA to ensure this area is classified as an "International Transport Area."

Syracuse Metropolitan Statistical Area (MSA)

The Department recommends that the Syracuse MSA be designated as attainment of the 8-hour ozone NAAQS. Although this area borders the Jefferson County non-attainment area, studies of meteorological data demonstrate that this area does not impact the Jefferson County non-attainment area. As noted above, the Jefferson County non-attainment area is primarily affected by overwhelming transport from regions other than Syracuse.

Rochester Metropolitan Statistical Area (MSA)

The Department recommends that the Rochester area be designated as unclassifiable. Historical data from the monitors in this area over the past decade indicates that the Rochester MSA has been in attainment almost twice as often as in non-attainment of the 8-hour ozone NAAQS. Additionally, this region is significantly impacted by both international and domestic transport.

New York Metropolitan Area Consolidated Metropolitan Statistical Area (NYMA CMSA)

The entire New York portion of the New York-Northern New Jersey-Long Island, New York-New Jersey-Connecticut-Pennsylvania CMSA is, as you know, a very complex region that is significantly impacted by transport from upwind areas. Based on the applicable 8-hour ozone data, the Department recommends that the NYMA CMSA be designated as a moderate non-attainment area. Although recent census data has indicated the CMSA has now grown to eleven counties with the addition of Dutchess, Putnam, and Orange Counties, the Department recommends that the NYMA CMSA be divided into two separate areas.

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Under the 1-hour standard, these three counties were a separate non-attainment area and the Department is recommending that distinction be maintained for the following reasons: (1) The Mid-Hudson area is essentially a rural area, more consistent with other upstate areas; (2) an existing working relationship already exists between the counties, especially in the area of transportation planning; (3) both areas will be classified as moderate non-attainment areas and will have consistent control requirements; and, (4) New York's inclusion in the OTR ensures our control requirements are implemented on a statewide rather than non-attainment area specific basis.

Finally, with regard to those portions of the New York-New Jersey-Connecticut-Pennsylvania CMSA that are not part of New York State, the Department requests that the data from the Ocean County, New Jersey monitor not be considered in the designations for the NYMA CSMA. This monitor is located in the southernmost portion of the entire CMSA and controls implemented north of Ocean County, New Jersey do not affect the ozone levels recorded at this monitor. Rather, this monitor is heavily influenced by upwind sources particularly Philadelphia, Pennsylvania. Accordingly, New York recommends the Ocean County monitored ozone data be used as part of Philadelphia's classification.

Whiteface Mountain, Essex County

As in 1990, the top of Whiteface Mountain records data that indicates the area is in violation of the 8-hour ozone NAAQS (0.086 ppm design value). However, the data recorded at the Whiteface Mountain base shows attainment. The standard exceedences at the summit are due to overwhelming transport. The Department is recommending the area above 4,500 feet on Whiteface Mountain be classified as "unclassifiable."

Buffalo-Niagara Falls

Consistent with other areas along the Great Lakes, air quality in Buffalo and Niagara Falls is heavily influenced by transport, especially from Canada. New York believes future regional nitrogen oxide controls in the United States will reduce ozone levels in the area but recognizes controls in Canada are critical to protecting public health in this area. Based on the data, the State recommends the area be classified as moderate non-attainment.

Chautauqua County

There is limited local contribution to ozone in Chautauqua County and air quality in that county is heavily influenced by transport from the Midwestern United States. Air quality data indicates this area should be classified as a moderate area, and the State recommends such a classification.

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Remainder of State

The remainder of the State is in attainment of the 8-hour ozone NAAQS. The Department believes this situation will continue as a result of our aggressive efforts to control emissions.

As stated above, New York commends EPA for moving forward with actions for implementing the 8-hour ozone NAAQS, and we look forward to working with EPA on the lengthy process of designations, and State Implementation Plan development and implementation.

Should you have any questions regarding the State's designation recommendations, please do not hesitate to contact me at 518-402-8540. Should your staff have any questions, please have them contact James Ralston, Director, Bureau of Air Quality Planning at 518-402-8396.

Sincerely,



Erin M. Crotty

Enclosures

NEW YORK STATE

PROPOSED NON-ATTAINMENT AREAS:

AREA NAME	DESIGN VALUE (PPM)	CLASSIFICATION	YEARS	AIR MONITOR MONITOR LOCATION	ID NUMBER
New York City Metropolitan Area Bronx County Kings County Nassau County New York County Queens County Richmond County Rockland County Suffolk County Westchester County	0.096	Moderate	00-02	Susan Wagner, Richmond County	360850067
Mid-Hudson Area Dutchess County Orange County Putnam County	0.093	Moderate	00-02	Millbrook, Dutchess County	360270007
Buffalo-Niagara Falls* Erie County Niagara County	0.097	Moderate	00-02	Amherst, Erie County	360290002
Chautauqua County* Chautauqua County	0.092	Moderate	00-02	Westfield, Chautauqua County	360130011
Jefferson County* Jefferson County	0.091	Marginal	00-02	Perch River, Jefferson County	360450002

* Area's Air Quality greatly influenced by international and/or domestic transport.

PROPOSED UNCLASSIFIABLE AREAS:

AREA NAME	DESIGN VALUE (PPM)	CLASSIFICATION	YEARS	AIR MONITOR MONITOR LOCATION	ID NUMBER
Rochester* Genesee County Livingston County Monroe County Ontario County Orleans County Wayne County	0.085	Unclassifiable	00-02	Rochester, Monroe County	360551004
Essex County* Whiteface Mtn above 4500 ft.	0.086	Unclassifiable	00-02	Whiteface Summit, Essex County	360310002

* Area's Air Quality greatly influenced by international and/or domestic transport.

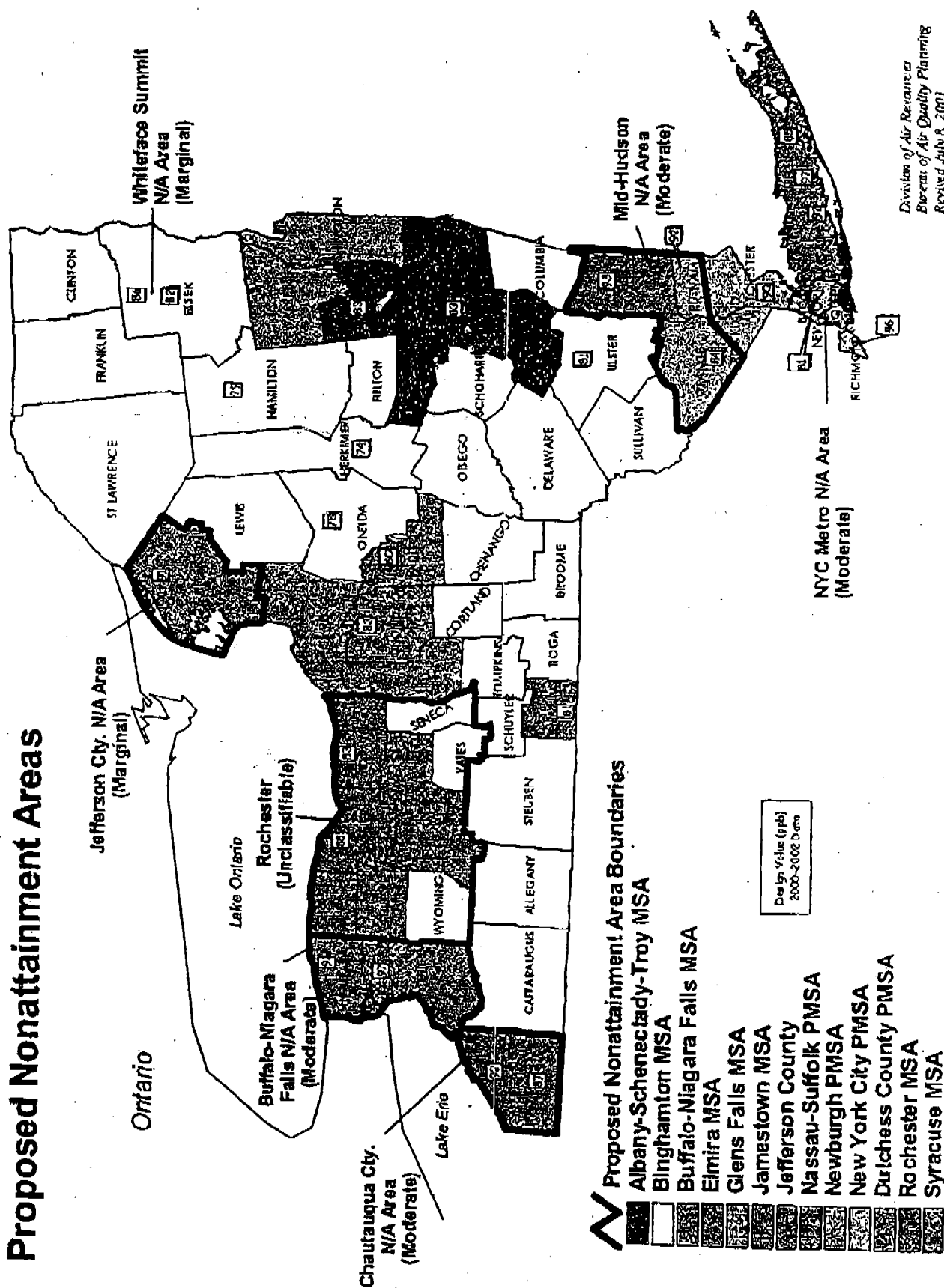
PROPOSED ATTAINMENT: Rest of State

8-Hour Ozone NAAQS Design Values (ppb) 2000-2002

County	Design Value (ppb)
Albany	98
Brooklyn	87
Queens	74
Richmond	98
Saratoga	101
Schenectady	104
Ulster	115
Westchester	90
Putnam	92
Dutchess	93
Orange	84
Rockland	86
Staten Island	85
Ulster	97
Albany	95
Brooklyn	96
Queens	98
Richmond	99
Saratoga	100
Schenectady	101
Ulster	102
Westchester	103
Dutchess	104
Orange	105
Rockland	106
Staten Island	107
Albany	108
Brooklyn	109
Queens	110
Richmond	111
Saratoga	112
Schenectady	113
Ulster	114
Westchester	115

Division of Air Resources

Bureau of Air
May 12, 2003



Perch River Monitor
24-Hour Back Trajectories
Ending 4PM EDT - 500m Height
All 8-Hour Ozone Exceedance Days in 2002

